

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT DENYING A PERMANENT ENCROACHMENT AGREEMENT FOR CONSTRUCTING A FENCE WITHIN THE PUBLIC RIGHT-OF-WAY AT 1117 NORTH ROAD – (APN 044-142-010)**

**WHEREAS**, the City of Belmont is authorized by Municipal Code Sec. 22-6 to issue encroachment permits for construction of structures in the public right-of-way; and,

**WHEREAS**, the property owners of 1117 North Road have applied for a Permanent Encroachment Agreement; and,

**WHEREAS**, the Public Works Director denied the permit, found that there was no public benefit; and,

**WHEREAS**, the property owners appealed that decision to the City Council; and,

**WHEREAS**, the Belmont City Council has made the following findings per Municipal Codes Sec. 22-6 and denied the permanent encroachment agreement at 1117 North Road:

There is no public benefit for the fence encroachment; and,

The encroachment will restrict the public right-of-way for other typical uses.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that:

The Belmont City Council finds the fence encroachment has no benefit to the public; and,

The Belmont City Council has denied the Permanent Encroachment Agreement for constructing a fence within the public right-of-way at 1117 North Road.

\* \* \* \* \*

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on March 22, 2005 by the following vote:

AYES, COUNCILMEMBERS: \_\_\_\_\_

NOES, COUNCILMEMBERS: \_\_\_\_\_

ABSTAIN, COUNCILMEMBERS: \_\_\_\_\_

ABSENT, COUNCILMEMBERS: \_\_\_\_\_

\_\_\_\_\_  
CLERK of the City of Belmont

APPROVED:

\_\_\_\_\_  
MAYOR of the City of Belmont